

Board Members

Maryann Santos de Barona, Ph.D.
Chairperson
James J. Cox, Ed.D.
Vice-Chairperson
Joseph C. Donaldson
Secretary
Wil R. Counts, Ph.D.
Manuel H. Delgado, Jr., J.D.
Miki Paul, Ph.D.
Byron N. Rimm
Michael J. Rohrbaugh, Ph.D.
David P. Yandell, Ph.D.



State of Arizona Board of Psychologist Examiners

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Staff

Maxine McCarthy
Executive Director

Marcus E. Harvey
Deputy Director

David S. Shapiro
Investigator

Shari S. Courtney
Administrative
Assistant

REGULAR SESSION MINUTES

Friday, April 30, 2004

1400 West Washington
Basement Conference Room, #B-1
Phoenix, AZ 85007

1. CALL TO ORDER

The regular session of the Arizona State Board of Psychologist Examiners was called to order by Chairperson Santos de Barona at 8:15 a.m. on Friday, April 30, 2004. Two Executive Sessions were held from 11:50 a.m. to 12:00 p.m. and from 5:00 p.m. to 5:25 p.m. for the purpose of obtaining confidential legal advice from the Board's attorney.

2. ROLL CALL

Board Members Present

Maryann Santos de Barona, Ph.D. - Chairperson
Joseph Donaldson - Secretary
Wil R. Counts, Ph.D.
Miki Paul, Ph.D.
Byron N. Rimm¹
David P. Yandell, Ph.D.

Staff Present

Maxine McCarthy, Executive Director
Marcus Harvey, Deputy Director
David Shapiro, Investigator
Shari Courtney, Administrative Assistant

Board Members Absent

James J. Cox, Ed.D. - Vice-Chairperson
Manuel H. Delgado, Jr., J.D.
Michael J. Rohrbaugh, Ph.D.

Attorney General's Office

Nancy J. Beck, J.D.
Assistant Attorney General

3. REMARKS/ANNOUNCEMENTS

Chairperson Santos de Barona introduced the Board's two newest members, Dr. Miki Paul and Mr. Byron Rimm, and welcomed them to the Board. Dr. Santos de Barona then presented a plaque to Dr. Yandell, recognizing his service to the Board as Chairperson for the years 2002 and 2003. Dr. Santos de Barona announced that documentation was available for licensees who wished to receive continuing education credit for attending Board meetings. Finally, she stated that anyone was welcome to complete a Board meeting assessment survey.

¹ Present after 8:30 a.m.

4. APPROVAL OF MINUTES

- **Regular Session – February 6, 2004**

A motion was made by Dr. Yandell, seconded by Mr. Donaldson, and carried (4-0-2), with Dr. Paul abstaining from the vote and Mr. Rimm not yet present, to approve the February 6, 2004 Regular Session minutes.

- **Executive Session – February 6, 2004**

A motion was made by Dr. Yandell, seconded by Mr. Donaldson, and carried (4-0-2), with Dr. Paul abstaining from the vote and Mr. Rimm not yet present, to approve the February 6, 2004 Executive Session minutes.

- **Conference Call Regular Session – February 12, 2004**

A motion was made by Dr. Counts, seconded by Dr. Yandell, and carried (4-0-2), with Dr. Paul abstaining from the vote and Mr. Rimm not yet present, to approve the February 12, 2004 Conference Call Regular Session minutes.

- **Conference Call Regular Session – February 18, 2004**

A motion was made by Dr. Yandell, seconded by Dr. Counts, and carried (3-0-3), with Dr. Paul and Mr. Donaldson abstaining from the vote and Mr. Rimm not yet present, to approve the February 18, 2004 Conference Call Regular Session minutes.

- **Conference Call Regular Session – March 5, 2004**

A motion was made by Dr. Paul, seconded by Dr. Yandell, and carried (4-0-2), with Mr. Donaldson abstaining from the vote and Mr. Rimm not yet present, to approve the March 5, 2004 Conference Call Regular Session minutes.

- **Conference Call Regular Session – April 2, 2004**

A motion was made by Dr. Yandell, seconded by Dr. Paul, and unanimously carried (5-0-1), with Mr. Rimm not yet present, to approve the April 2, 2004 Conference Call Regular Session minutes.

- **Conference Call Regular Session – April 12, 2004**

A motion was made by Dr. Paul, seconded by Dr. Yandell, and carried (4-0-2), with Mr. Donaldson abstaining from the vote and Mr. Rimm not yet present, to approve the April 12, 2004 Conference Call Regular Session minutes.

5. CALL TO THE PUBLIC

Chairperson Santos de Barona gave the public the opportunity to address the Board at this time.

- Elise Saadi addressed the Board on behalf of Stephen Myers, J.D., attorney for Sharon Furey, Ph.D., who was not able to be present. She asked that if the Board was going to issue a letter of concern to Dr. Furey in response to Request for Investigation ("RFI") No. 04-01 that it first invite her to an informal interview.
- The Complainant, J.B., in RFI No. 04-05, addressed the Board regarding her complaint against Carol Mellen-Sysel, Ph.D.
- Richard Morris, Ph.D. addressed the Board asking the Board to consider making a statute change allowing for limited licensure for psychology interns and postdoctoral trainees.
- S.R., the Complainant, in RFI No. 04-03 addressed the Board regarding his complaint against Royce Holyoake, Ph.D.
- The Complainant, K.D., in RFI No. 04-09, addressed the Board regarding his complaint

against Pat Huish, Ph.D.

6. INFORMAL INTERVIEW – Valarie Hannemann, Ph.D. – Complaint No. 03-28

Chairperson Santos de Barona announced that it was now the time and place for the informal interview of Dr. Valarie Hannemann. Dr. Hannemann was present with her attorney, Larry Cohen, J.D., who introduced themselves, as did Board members and staff. Nancy Beck, J.D., Assistant Attorney General for the Board was also present. Dr. Santos de Barona explained the procedure for the hearing and Dr. Hannemann was sworn in by the court reporter, whose transcript shall serve as the official record of the proceeding. Board members then proceeded to interview Dr. Hannemann.

The Complainant, A.M., was then sworn in by the court reporter, and made a statement to the Board. Board members asked questions of the Complainant after which Mr. Donaldson made a motion, seconded by Dr. Yandell, and unanimously carried (6-0), to move into move into Executive Session for the purpose of obtaining confidential legal advice from the Board's attorney.

Upon return to open session, Board members heard a closing statement from Dr. Hannemann. Board members then asked a follow-up question of Dr. Hannemann, after which Board members proceeded to deliberate. Dr. Yandell made a motion, seconded by Dr. Counts, and unanimously carried (6-0), to find Dr. Hannemann in violation of A.R.S. 32-2061(A)(13)(o) in that:

- During the course of her therapy with A.M., Licensee failed to document that she conducted a systematic risk assessment of A.M.;
- During the course of her therapy with A.M., Licensee failed to document that she conducted a complete a mental status examination of A.M.;
- Licensee failed to provide to A.M., as a part of Informed Consent, the name of another therapist whom A.M. could contact in the event Licensee was unavailable to A.M.; and
- Licensee failed to inform A.M., in writing, of Licensee's new office address.

Board members then proceeded to discuss possible disciplinary action to take. A motion was made by Dr. Yandell, seconded by Dr. Counts, and unanimously carried (6-0), to place Dr. Hannemann on probation until she completes six hours of Category I continuing education in risk-management that covers informed consent, risk assessment, mental status examinations, and notifications to clients.

7. INFORMAL INTERVIEW – Daniel Gaughan, Ph.D. – Complaint No. 03-22

Chairperson Santos de Barona announced that it was now the time and place for the informal interview of Dr. Daniel Gaughan. Dr. Gaughan was present with his attorneys Mark Harrison, J.D. and Linda Weaver, J.D., Ph.D., who introduced themselves, as did Board members and staff. Nancy Beck, J.D., Assistant Attorney General for the Board was also present. Chairperson Santos de Barona explained the procedures for the hearing after which a summary of the allegations was provided by Mr. Shapiro. Mr. Harrison then made a statement to the Board, after which Dr. Gaughan was sworn in by the court reporter whose transcript shall serve as the official record of the proceedings. Board members proceeded to interview Dr. Gaughan, which was followed by an additional statement to the Board by Mr. Harrison.

The Complaint, M.A., was sworn in by the court reporter and made a statement to the Board. Board members asked some questions of the Complainant. Dr. Gaughan and his attorney then made some closing remarks to the Board, after which Board members proceeded to deliberate. Dr. Counts made a motion, seconded by Mr. Donaldson, and carried (3-2-1), with Dr. Santos de Barona and Yandell voting no, and Mr. Rimm abstaining from the vote, to dismiss the complaint.

8. DISCUSSION/DECISION REGARDING INITIAL REVIEW OF REQUESTS FOR INVESTIGATION (RFI)

a) RFI 03-24 – Daniel Gaughan, Ph.D.

This item was tabled to a future meeting.

b) RFI 04-01 – Sharon Furey, Ph.D.

The Complainant, M.W., made a statement to the Board. Mr. Shapiro summarized the allegations and Board members proceeded to deliberate. A motion was made by Dr. Counts, seconded by Dr. Paul, and unanimously carried (6-0), to dismiss the case.

c) RFI 04-02 – Robin Ford, Ed.D

Dr. Ford was present with his attorney, Melinda Cekander, J.D. Dr. Counts indicated that he had consulted with Dr. Ford on private practice matters in the past but that it would not bias his participation in this case and that he could decide this case based on the information presented. Dr. Ford then made a statement to the Board. Mr. Shapiro summarized the allegations for the Board. Ms. Beck stated for the record that she was a member of the same office as one of the attorney's in this case, but that they were in completely different sections. She further stated that she does not represent nor ever has represented the Department of Corrections and that she is not in any way involved in that case. Mr. Shapiro then read to the Board a review of this case prepared by Mr. Delgado in his absence. Board members then proceeded to deliberate. Mr. Rimm made a motion, seconded by Dr. Yandell, and unanimously carried (6-0), to dismiss the case.

d) RFI 04-03 – Royce Holyoak, Ph.D.

This item was tabled to a future meeting.

e) RFI 04-04 – Ellen Diana, Ph.D.

This item was tabled to a future meeting.

f) RFI 04-05 – Carol Mellen-Sysel, Ph.D.

Dr. Carol Mellen-Sysel addressed the Board regarding this complaint. Mr. Shapiro summarized the allegations for the Board, after which Mr. Donaldson read to the Board a review of this case prepared by Dr. Cox in his absence. Board members then proceeded to deliberate. Dr. Counts made a motion, seconded by Dr. Yandell, and unanimously carried (6-0), to issue a letter of concern to Dr. Mellen-Sysel, expressing the Board's concerns that she:

- failed to use an appropriate informed consent form;
- failed to keep adequate records; and
- failed to consult and communicate with the client (JB) which may have caused JB to question her impartiality and her billing procedures.

g) RFI 04-06 – Kelly Krietsch, Ph.D.

Dr. Kelly Krietsch was present and made a statement to the Board. Mr. Shapiro summarized the allegations and Board members proceeded to deliberate. Mr. Donaldson made a motion, seconded by Mr. Rimm, and unanimously carried (6-0), to dismiss this complaint.

h) RFI 04-07 – Jay Summers, Ph.D.

This item was tabled to a future meeting.

i) RFI 04-09 – Pat Huish, Ph.D.

Mr. Shapiro summarized the allegations and Board members proceeded to deliberate. Dr. Pat Huish was present and made a statement to the Board and answered Board members questions. A motion was made by Dr. Counts, seconded by Dr. Yandell, and unanimously carried (6-0), to dismiss the case.

j) **RFI 04-10 – Andrew Mosko, Ph.D.**

This item was tabled to a future meeting.

The following Requests for Investigation were ongoing and were not discussed at this meeting:

- Sydney Palmer, Ph.D. – RFI No. 04-08
- Walter E. Fidler, Ph.D. – RFI No. 04-11
- Greg A. Peetoom, Ph.D. – RFI No. 04-12
- William T. Beaver, Ph.D. – Complaint No. 04-13
- Karen R. Sullivan, Psy.D. – RFI No. 04-14
- Ronald A. Davis, Ph.D. – RFI No. 04-15
- Mary-Wales North, Psy.D. – RFI No. 04-16

9. **DISCUSSION/DECISION REGARDING REQUEST TO MODIFY ORDER OF PROBATION – Charles Jenkins, Ph.D. – Board Order No. 99-44**

Dr. Charles Jenkins was present and addressed the Board, requesting that the Board terminate his order of probation, which was set to expire in November 2005. Board members discussed the Board's order and previous amendments to it, and asked questions of Dr. Jenkins. Dr. Yandell made a motion, seconded by Mr. Rimm, and unanimously carried (6-0), to deny Dr. Jenkins' request to terminate his probation.

10. **DISCUSSION/DECISION REGARDING INFORMATION RECEIVED REGARDING JAY HEISLER, Ph.D.**

This item was tabled to a future meeting.

11. **DISCUSSION/DECISION REGARDING PROPOSAL FROM TASK FORCE ON COMPLAINT PROCESS – Moving from Informal Interview to Dismissal or Formal Hearing**

This item was tabled to a future meeting.

12. **COUNSEL REPORTS**

Dr. Yandell made a motion, seconded by Dr. Paul, and unanimously carried (6-0), to move into move into Executive Session for the purpose discussing pending or contemplated litigation. Ms. Beck gave her report in Executive Session.

13. **EXECUTIVE DIRECTOR'S REPORT**

This item was tabled to a future meeting.

14. **LICENSING REPORT**

- **New Licenses Issued** – Marcus Harvey, Deputy Director, reported that the Board had licensed the following twelve psychologists since the February meeting, two of them by credential:

3624	Sarah Higley, Psy.D.	3630	Christine Bates, Ph.D.
3625	Jessie Garcia, Ph.D.	3631	Connie Pyburn, Ph.D.
3626	Maria Shibuya, Ph.D.	3632	Howard Friedman, Ph.D.
3627	Michelle Dorsey, Ph.D.	3633	Terri Fernandez-Tyson, Ph.D.
3628	Jason Lewis, Ph.D.	3634	Kathy Thomas, Ph.D.
3629	Martina Ritchhart, Ph.D.	3635	Raymond Moore, Ph.D.

Mr. Harvey reported that the Board had issued 18 new licenses this year, which compared to 26 licenses issued by this time last year.

- **EPPP Results** – Mr. Harvey then reported that the following six applicants passed the Examination for Professional Practice in Psychology (EPPP) between January and March, with two failing:

Pass

Michelle Dorsey, Ph.D.
Terri Fernandez-Tyson, Ph.D.
Jessie Garcia, Ph.D.
Sarah Higley, Psy.D.
Jason Lewis, Ph.D.
Martina Ritchhart, Ph.D.

Fail

Amy Lerner, Ph.D.
Walter McKeever, Ph.D.

- **New Applications** – Finally, Mr. Harvey then reported that the Board had received 18 new applications in the past three months, which made 20 applications received this year, which compared to 24 applications received by this time last year.

15. COMMITTEE REPORTS – DISCUSSION/DECISION

- **APPLICATIONS REVIEW COMMITTEE**

- **REQUESTS TO SIT FOR EPPP & LICENSURE**

Dr. Counts made a motion, seconded by Dr. Paul, and unanimously carried (6-0), that the following applicants, having met the requirements of A.R.S. § 32-2071 and A.A.C. R4-26-203, be approved to sit for the Examination for Professional Practice in Psychology, and for licensure upon receipt of a passing score on the Examination, and payment of the pro-rated original license fee:

- **Christine Hanish, Ph.D.**
- **Daniel Kruger, Ph.D.**
- **Justin Phelps, Ed.D.**
- **Ara Schmitt, Ph.D.**
- **Elizabeth Sikora, Ph.D.**

Dr. Counts stated that the application of **Dane Higgins, Ph.D.** remained ongoing.

- **REQUESTS FOR LICENSURE BY WAIVER OF EPPP**

Dr. Counts then made a motion, seconded by Dr. Yandell, and unanimously carried (6-0), that the following applicants, having met the requirements of A.R.S. § 32-2071.01(A), be approved for licensure upon payment of the pro-rated original license fee:

- **Nancy Amick, Ph.D.**
- **Megan McCormick, Ph.D.**
- **Gina Mercer, Ph.D.**
- **Audrey Smith, Psy.D.**

Dr. Counts then announced that the application of **Scott Quimby, Ph.D.** also remained ongoing.

A motion was then made by Dr. Counts, seconded by Mr. Donaldson, and unanimously carried (6-0), that the application of **Anita Peterson, Ph.D.** be denied on the grounds that she has failed to demonstrate that she meets the following requirement for licensure:

- Passage of the EPPP with a score that equals or exceeds the passing score recommended by the ASPPB on the date the examination was taken.

Finally, Dr. Counts made a motion, seconded by Dr. Yandell, and carried (4-2), with Drs. Santos de Barona and Paul voting no, that the application of **Gerald Peterson, Ph.D.** be denied on the grounds that he has failed to demonstrate within the time allowed or at all that he meets the following requirement for licensure:

- Completion of a minimum of 1,500 hours of initial supervised professional experience, and
- Passage of the EPPP with a score that equals or exceeds the passing score recommended by the ASPPB on the date the examination was taken.

Dr. Counts had stated for the record that the full Board had received the entire application files of both Drs. Gerald and Anita Peterson.

16. REPORT ON ASPPB MEETING IN MONTREAL – April 21-24, 2004

Chairperson Santos de Barona invited Drs. Counts and Paul, who attended the Association of State and Provincial Psychology Board's Midwinter meeting in Montreal, Canada, to give a report on the meeting to the Board. Dr. Counts reported that this meeting was also the Third International Congress on Licensure Certification and Credentialing of Psychologists. He stated that psychologists from all over the world were in attendance and gave some statistics regarding the profession worldwide and addressed some of the cultural differences faced by psychologists in other countries. Dr. Paul also made some remarks, thanking the Board for the opportunity to attend the conference and noting that she had attended the new Board member training.

17. ADJOURNMENT

There being no further business to come before the Board, a motion was made by Dr. Paul, seconded by Dr. Counts, and unanimously carried (6-0), to adjourn the meeting at 7:04 p.m.

Prepared by:

**Marcus Harvey
Deputy Director**

Respectfully submitted,

**/s/ Joseph Donaldson
Secretary**